

Application No: 10/663,024

Docket No.: Q201-US1

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Page 8

REMARKS**APR 23 2008**

Claim 1 is currently amended. Claims 2-3, 6, 8, 10-12, and 34-44 are canceled. Claims 4-5, 7, 9, 13-18, 21-29, 30-33, and 45-49 were previously presented. Claims 19-20 are withdrawn. New claim 50 is added. Accordingly, claims 1, 4-5, 7, 9, 13-18, 21-33, and 45-50 are pending examination.

Rejection Under 35 USC §112

Claims 1, 4-5, 7, 9, 13-18, 21-33, and 45-49 stand rejected under 35 USC §112, second paragraph for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office Action argues that the value of  $n$ , as found in the formula of claim 1 cannot be less than 2.

Claim 1 recites that the polysiloxane is a CYCLIC polysiloxane. This recitation sets the lower limit of the variable  $n$ . As noted in the Office Action, "for values of  $n$  less than two the molecule could not be cyclic." Since values of  $n$  less than 2 do not result in a cyclic polysiloxane, but the claim requires that the polysiloxane be cyclic, values of  $n$  less than 2 do not fall within the scope of the claim. Since the claim excludes values of  $n$  that are less than 2, the claim distinctly claims the subject matter that the Applicant regards as the invention.

The rejection also appears to be arguing that the specification does not support values of  $n$  less than 4 and also that there is no support for values of  $n$  up to 100. However, the specification discloses a cyclic polysiloxane where  $n$  is 1 to 100 at several locations. As noted above, the requirement that the polysiloxane be cyclic increases the lower limit of the  $n$  range to a value above 1. Accordingly, the specification teaches that the value for  $n$  can be up to 100 with the lower limit of  $n$  being narrowed by the requirement that the polysiloxane be cyclic as is claimed.

New claim 50

The Applicant has added new claim 50. New claim 50 recites "the variable  $n$  being 1 to 100" but also recites that the polysiloxane is cyclic. As noted above, the requirement that the polysiloxane is cyclic narrows the recited range of  $n$  values. Similarly, claim 50 recites " $x$  being 1 to 30." However, the citation of a poly(alkylene oxide) moiety in this claim narrows the range of  $n$  values.

Application No: 10/663,024      Docket No.: Q201-US1

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Page 9

**APR 23 2008****Rejection of claims 4-5, 7, 9, 13-18, 21-33, and 45-50**

Claims 4-5, 7, 9, 13-18, 21-33, and 45-50 each depends directly or indirectly from claim 1. Since claim 1 is believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

**Double Patenting Rejection**

The Office Action rejects the claims for double patenting in view of U.S. Patent Application serial number 10/663,023. It is the belief of the Applicant that U.S. Patent Application serial number 10/663,023 is no longer pending as a result of failure to respond to an outstanding Office Action. As a result, the Applicant refrains from responding to this rejection at this time. However, in the event that Applicant's belief turns out to be incorrect, the Applicant reserves the right to submit a terminal disclaimer in this application.

**Request for Rejoinder**

Since the Applicant has overcome each of the pending rejections, the applicant hereby requests rejoinder of claims 19 and 20.

Application No: 10/663,024      Docket No.: Q201-US1

Page 10

**CONCLUSION**

The Examiner is encouraged to telephone the undersigned with any questions.

Respectfully submitted,



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